

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EDWARD JAMES MARTIN O'BRIEN,)
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Plaintiff,)
v.) Case No. 1:20-cv-00153-SEP
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)
STEPHEN MURPHY, et al.,)
)
)
Defendants.)

MEMORANDUM AND ORDER

Before the Court is Plaintiff's second Motion to Appoint Counsel. Doc. [21]. For the following reasons, the Court will deny the motion.

There is no constitutional or statutory right to appointed counsel in civil cases. *Nelson Redfield Lithograph Printing*, 728 F.2d 1003, 1004 (8th Cir. 1984). The Eighth Circuit has provided a list of factors for district courts to consider when deciding whether appointing counsel is warranted. These include the "factual and legal complexity of the underlying issues, the existence of conflicting testimony, and the ability of the indigent plaintiff to investigate the facts and present his claims." *Ward v. Smith*, 721 F.3d 940, 942 (8th Cir. 2013).

Plaintiff filed his first Motion to Appoint Counsel on June 30, 2020. Doc. [3]. The Court denied that motion because Plaintiff had demonstrated that he could adequately present his claims to the Court and because neither the factual nor legal issues in the case appeared to be complex. Doc. [7]. Neither of those considerations has changed. There is no reason to conclude that Plaintiff can no longer adequately present his claim, and the case has not increased in complexity since the previous motion was denied. Therefore, there is still no basis for the appointment of counsel.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Motion to Appoint Counsel (Doc. [21]) is **DENIED**.

Dated this 2nd day of February, 2021.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE